

E N D O R S E M E N T

SCOTT T. BUXTON v. SPRINGFIELD POLICE DEPARTMENT et al.
04-CV-10352-MEL

LASKER, D.J.

The individual defendants, the City of Springfield, and the Springfield Police Department (collectively "defendants") move to quash service and to dismiss the complaint on the grounds that it was improperly served and that Scott T. Buxton ("Buxton") fails to state a claim upon which relief can be granted.

In response, Buxton argues that service was proper and that the complaint was timely filed. However, after offering these arguments, Buxton states that he "assents to a dismissal of his Complaint in its entirety as to All Defendants", in accordance with his rededication to Christian values including forgiveness. (Plaintiff's Response at 3.) Buxton "waives his right to refile, reconsider and/or appeal the case or any Order of this Court to dismiss this Complaint." (Plaintiff's Response at 4.) Finally, Buxton asserts that he makes his request for dismissal completely voluntarily and with full knowledge of his rights.

Buxton's impressive statement of his reasons for not proceeding with the case and his suggestions for improved relations between the Springfield Police Department and Springfield's citizens are commendable. In accordance with Fed. R. Civ. P. 41(a)(2), the complaint is dismissed at Buxton's instance, and the defendants' motion is DENIED as moot.

It is so ordered.

Dated: January 25, 2005
Boston, Massachusetts

/s/ Morris E. Lasker
U.S.D.J.